

NO. PD-1089-20

CHARLES LYNCH,

APPELLANT §

V.

§

THE STATE OF TEXAS,

APPELLEE §

TEXAS COURT OF

FILED
COURT OF CRIMINAL APPEALS
3/8/2021
DEANA WILLIAMSON, CLERK

CRIMINAL APPEALS

MOTION FOR EXTENSION OF TIME
TO FILE STATE'S BRIEF ON DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF APPEALS:

Now comes Jack Roady, Criminal District Attorney of Galveston County, Texas, pursuant to Rule 10.5(b), Texas Rules of Appellate Procedure, and moves for an extension of time in which to file the State's Brief and would respectfully show the Court of Criminal Appeals as follows:

1. The appellant was convicted of Delivery of a Controlled Substance and was sentenced on 7/20/2017. The trial case is styled as *State of Texas v. Charles Lynch*, in the 405th Judicial District Court of Galveston County, Texas, Cause No. 15-CR-3172. The Court of Appeals case number is 01-17-00668-CR. Opinion Reversing and Remanding case to trial court was issued 10/13/2020. The State filed a Petition for Discretionary Review on 11/17/2020. This Court granted the Petition for Discretionary Review on 2/3/2021.
2. The present due date for filing the State's brief is 3/5/2021.
3. This is the State's first motion for extension of time to file its brief.
4. The State requests an extension to file its brief on or before 4/5/2021.
5. The Texas Supreme Court released the following statement to their webpage: "The Court recognizes that many across Texas are facing weather-related outages. The Court's current 33rd emergency order is broad and allows all courts to modify or suspend any and all deadlines and procedures to accommodate those affected."

As applicable to this Case, the vast majority of Galveston County was without power for several days. Water has still not been restored to much of the County. As such, it has been impossible for the appellate prosecutors to meet their current and recently passed deadlines. Due to the unprecedented and catastrophic weather conditions, the undersigned prosecutor would request this Court to extend its current due date an additional 30 days.

6. The State requests this extension not for delay but because during the last sixty days, the undersigned attorney for the State:

- Completed a State's Response brief in *James Karl Dunivan v. State*, 14-19-00887-CR, filed on 2/22/2021.
- Completed a State's Response brief in *Douglas Wayne Reed v. State*, 14-20-00311-CR, filed on 2/8/2021.
- Completed a State's Response brief in *Roberto Medina Flores v. State*, 01-20-00213-CR, filed on 1/11/2021. This case had five separate issues, and the state's response brief exceeded the 15,000 word limit.
- The undersigned attorney has been appointed as a prosecutor pro tem and represents the State on appeal in *Ali Awad Mahmoud Irsan v. The State of Texas*, No. AP-77,082 in the Court of Criminal Appeals of Texas. This death penalty case has at least 111 volumes of reporter's record and at least 12 volumes of clerk's record. The defense has filed a 28-page motion to supplement and correct the massive record in the appeal. The undersigned attorney has been reviewing the record for the necessary correction and supplementation.
- Provides litigation support for the trial bureau.
- The Supreme Court of Texas and the Court of Criminal Appeals of Texas issued an order March 13, 2020 pursuant to Section 22.0035(b) of the Texas Government Code in response to the imminent threat of the COVID-19 pandemic. Galveston County District and County Courts have restricted court proceedings in response. The Galveston County District Attorney's Office has also limited staff to appear in the office.

WHEREFORE, PREMISES CONSIDERED, the State respectfully requests that this

Court of Criminal Appeals extend the time to file the State's brief until April 5, 2021.

Respectfully submitted,

JACK ROADY
CRIMINAL DISTRICT ATTORNEY
GALVESTON COUNTY, TEXAS

/s/ Alan Curry

ALAN CURRY

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CERTIFICATE OF COMPLIANCE

The undersigned Attorney for the State certifies this brief is computer generated, and consists of 556 words.

/s/ Alan Curry

ALAN CURRY

Assistant Criminal District Attorney

Galveston County, Texas

CERTIFICATE OF SERVICE

The undersigned attorney for the State certifies that a copy of the above motion was emailed via eFiling e-service to Joel Bennett, attorney for Appellant, on March 5, 2021.

/s/ Alan Curry

ALAN CURRY

Assistant Criminal District Attorney

Galveston County, Texas

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Associated Case Party: Charles Lynch

Name	BarNumber	Email	TimestampSubmitted	Status
Joel Bennett		joel@searsandbennett.com	3/5/2021 4:56:38 PM	SENT

Case Contacts

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